



Mr Phil Tart
Director of Law and Property
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Our Reference:
Your Reference:

Date: 19/11/2012

Proposed Designation Order for Quarry Bank Under Section 12 Criminal Justice and Police Act 2001.

Dear Mr Tart

I would be extremely grateful if you would give consideration to the included proposal, made under Section 12(2) of the Criminal Justice and Police Act 2001.

Included in the proposal are supporting statistics and a map defining the proposed geographical area of the order.

I really believe that the introduction of this order would greatly improve the quality of life for many residents and visitors to the Quarry Bank area.

Yours sincerely

A handwritten signature in black ink, appearing to read "Steve Gordon", written over a horizontal line.

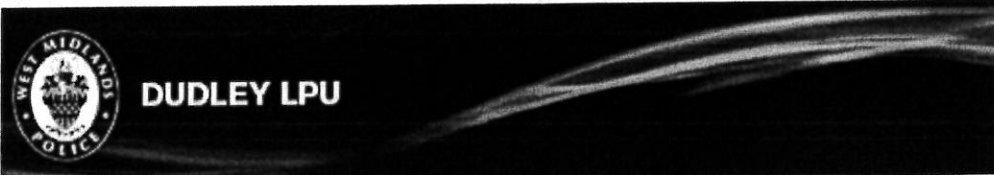
Steve Gordon
Sergeant 8306
Stourbridge Police Station



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**Proposal for designation order for the
Quarry Bank area for restricting the
consumption of Alcohol in public places.**

Section 12 of the Criminal Justice and Police Act 2001

Officers Reporting: PC 5392 Reg Steele/PCSO 30063 Sarah Nixon,
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Introduction

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Introduction

Quarry Bank is in the Dudley area and is a popular traditional area which has a High Street, Park area, Industrial area and residential houses. There is a variety of fast food, take away restaurants' and off licences which generate a healthy night time economy. It is a popular location for local people to enjoy going out to the public houses and labour/liberal clubs to enjoy consuming alcohol safely and considerately.

The park area is in a good state of repair and many local people enjoy using the facility. The park contains a skate park which has seats and is a natural gathering place for younger people in the community, a play area, tennis courts, football pitch and memorial garden. The park is also enjoyed by dog walkers. There are several houses surrounding the park also.

Over the years quality of life in Quarry Bank, as other wards in Dudley, has been increasingly affected by a noticeable increase in individuals and groups of people consuming alcohol in public places. The increase in alcohol consumption has directly led to greater problems experienced by residents of the area. There are now several incidents/acts of anti social behaviour which have resulted in complaints to both Police and to the local authority. These have directly impacted on the quality of life for residents and the purpose of this report is to address the issues caused by excessive drinking of alcohol in public places. It can be seen that the behaviour has caused problems with noise, violence, damage to property and an increase in litter in the very areas designed to make Quarry Bank a nicer environment for residents. Several residents regularly report that they feel intimidated and threatened by groups of drunken individuals in the area who loiter in areas that everyone uses.

It is evident that both people over and under 18 are consuming alcohol in public areas. It is also believed that on some occasions over 18s are supplying younger friends and family members with alcohol – who will then proceed to consume alcohol in public places. The nuisance behaviour is also fuelled by groups taunting locals with their drunken behaviour. At present there are no powers to deal with people consuming alcohol in public places in Quarry Bank, unless they are under 18.

Local retailers have been spoken to, to prevent alcohol being served to these groups but this has not solved the problem. Test purchases have been run in conjunction with the local authority but this still leaves the area with issues. Regular patrols have been conducted by uniformed officers and officers in plain clothes to target the behaviour. There have been several seizures of alcohol in the area but this again is only scratching the surface of the issues. Several residents have voiced their concerns to Police and local councillors regarding the issues at meetings held in the locality. We are now also finding that in addition to people who reside in Quarry Bank, the introduction of bans in other areas have caused extra people to migrate into the area, thus making the issue greater.

The issues are further worsened by the amount of damage caused to the environment. Regularly there are several empty beer cans, signs of urination and glass bottles left strewn over the area. This then becomes a health hazard for people in the area as it is untidy and unhealthy. This clean up operation also puts extra strain on public services and ruins the appearance of the town to residents and visitors.

All of the above mentioned factors are obviously having a detrimental effect on the image of Quarry Bank.

It is greatly believed that this increase of issues can be quelled by the introduction of a drinking ban in public areas of Quarry Bank. Other areas such as Dudley, Brierley Hill and Sedgley have benefited greatly from this type of legislation. The areas report less anti social incidents that are fuelled by alcohol and a general sense of well being for communities that were experiencing issues. In fact there are no negative points raised that would suggest that the bans were a problem.

Summary

In order to serve our communities and protect them from harm it is requested that areas where issues are occurring in Quarry Bank are designated as areas where there is a restriction of the consumption of alcohol. This will increase the trust and confidence that our communities have in the Police and Local authority.

Appendix 1 – Proposed prohibition areas

Please see attached map that shows the proposed area for the prohibition. The area covers:

Quarry Bank High Street
Stevens Park
Dunns Bank
Robin Hood Estate

There is a particular onus on the local authority to publicise the making and effect of this order. Any areas that are deemed not be suitable for the designation should be discussed and the map area may be altered to comply with valid reasons.
(Section 13 (5) CIPA 2001.)

Appendix 2 – Legislation information

Section 12 of the Criminal Justice and Police Act 2001 is intended to reduce the incidence of disorder and public nuisance arising from alcohol consumption in designated public places. A police officer can require a person to cease drinking alcohol (or anything he reasonably believes to be alcohol) in the public place and can confiscate and dispose of the alcohol and its container. The person must be informed that failure to comply with the police officer's request, without reasonable excuse, is an offence.

Section 13 of the Criminal Justice and Police Act 2001 allows Local Authorities to designate areas as public places, for which there will be a set procedure for so doing, as set out in the relevant Statutory Instrument (see note below).

Section 14 denotes those areas which are not designated public places for the purpose of section 13.

Alcohol consumption in designated public places

Section 12 of the Criminal Justice and Police Act 2001 is intended to reduce the incidence of disorder and public nuisance arising from alcohol consumption in designated public places. A police officer can require a person to cease drinking alcohol (or anything he reasonably believes to be alcohol) in the public place and can confiscate and dispose of the alcohol and its container. The person must be informed that failure to comply with the police officer's request, without reasonable excuse, is an offence.

12(1) Subsection (2) applies if a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place.

12(2) The constable may require the person concerned -

- (a) not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol;
- (b) to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol.

12(3) A constable may dispose of anything surrendered to him under subsection (2) in such manner as he considers appropriate.

12(4) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection 12(2) commits an offence.

12(5) A constable who imposes a requirement on a person under subsection (2) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

Notes

(i) Example of constable's request

"This is a designated public place in which I have reason to believe that you are / have been drinking alcohol. I require you to stop drinking and give me the container(s) from which you are/have been drinking and any other containers (sealed or unsealed) . I must inform you that failure to comply with my request, without reasonable excuse, is an offence for which you can be arrested".

(ii) Also see section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 for power to seize alcohol and containers from under 18 year olds; and section 146 of the Licensing Act 2003 for provisions in respect of sale of alcohol to under 18 year olds.

(iii) The Act allows the disposal of alcohol in both sealed and unsealed containers.

Alcohol - designated public place

Section 13 of the Criminal Justice and Police Act 2001 allows Local Authorities to designate areas as public places, for which there will be a set procedure for so doing, as set out in the relevant Statutory Instrument (see note below). Section 14 denotes those areas which are not designated public places for the purpose of section 13.

13(1) A place is, subject to section 14, a designated public place if it is-

- (a) a public place in the area of a local authority; and
- (b) identified in an order made by that authority under subsection (2).

13(2) A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that-

- (a) nuisance or annoyance to members of the public or a section of the public; or
- (b) disorder;

has been associated with the consumption of alcohol in that place.

13(3) The power conferred by subsection (2) includes power-

- (a) to identify a place either specifically or by description;
- (b) to revoke or amend orders previously made.

13(4) The Secretary of State shall by regulations prescribe the procedure to be followed in connection with the making of orders under subsection (2).

13(5) Regulations under subsection (4) shall, in particular, include provision requiring local authorities to publicise the making and effect of orders under subsection (2).

13(6) Regulations under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Alcohol - places not designated as public places

Section 14 of the Criminal Justice and Police Act 2001 as amended by section 26 of the Violent Crime Reduction Act 2006 denotes those areas which are not public places for the purposes of consuming alcohol in public places (ie consumption of alcohol in these places is allowed subject to regulation by other legislation).

14(1) A place is not a designated public place or a part of such a place if it is-

- (a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
- (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;
- (b) a place within the curtilage of premises within paragraph (a) or (aa);
- (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 30 minutes;
- (d) repealed
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway related uses).

14(1A) Subsection (1B) applies to premises falling within subsection (1)(a) if:-

- (a) the premises licence is held by a local authority in whose area the premises or part of the premises is situated; or
- (b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.

14(1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of, a designated public place only:-

- (a) at times when it is being used for the sale or supply of alcohol; and
- (b) at times falling within 30 minutes after the end of a period during which it has been so used.

14(1C) In this section 'premises licence' and 'club premises certificate' have the same meaning as in the Licensing Act 2003.

14(2) repealed

END

